

# STATE OF NEW HAMPSHIRE

Executive Council

STATE HOUSE ROOM 207

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CHRISTOPHER T. SUNUNU, GOVERNOR  
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ANDRU VOLINSKY  
DAVID K. WHEELER

Andru Volinsky,  
Executive Councilor for District Two  
Meeting Report  
Executive Council Meeting of February 15, 2017

Reach me at [Andru.Volinsky@nh.gov](mailto:Andru.Volinsky@nh.gov)

## Council Agenda Items of Note

The Council Agenda consisted of 59 items, including contracts, amendments, and renewals for Gordon-Darby (vehicle inspection programs), SPARK NH (early childhood programs), and Keene State College (Healthy Eating and Sodium Reduction Project). We also authorized the receipt of federal funds totaling more than \$1 million by Community Action Programs for Merrimack and Belknap Counties and for Berlin, Manchester, and Keene to repair or replace malfunctioning heating systems in low income homes. Finally, we undertook our statutory duty to consider and approve a Business Finance Authority State Loan Guarantee under RSA 162-A:18 for Atlas PyroVision Entertainment Group, Inc., located in Jaffrey. The Council voted 4-1 against approval based primarily on the fact that the borrower was related to an entity convicted of serious environmental crimes less than one year ago and based on the Council's analysis of the business and financial aspects of the loan guarantee. The criminal activity was not clearly described in the 50-60 pages of loan documentation and my research revealed the issue that I shared with my colleagues before our hearing. I voted with the three-member Republican majority on the Council to deny the guarantee for these reasons and because the bank executive seeking the loan guarantee explained that the business was based upon the importation of fireworks from China because they "could be produced more cheaply there due to less restrictive labor and safety laws."

Attached to this Report, please find descriptions of agenda items relevant to Council District Two sorted by whether the item is one of a statewide scope or concerns the Monadnock Region, the Central Region of District Two which is centered around Merrimack County or the Strafford County portion of District Two.

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### Nominations and Confirmations

The Council took up the Governor's nomination of Frank Edelblut for Commissioner of Education that had previously been tabled because of the Governor's failure to comply with the statutory requirement that he consult with the State Board of Education pursuant to RSA 21-N:3. The Governor met this responsibility on February 14<sup>th</sup> and the State Board then forwarded an unprecedented multipage letter of concern to the Council. The Council also received a detailed letter of concern from the New Hampshire chapter of the National Association of Social Workers. The Social Workers' letter stated: "Guiding school districts in creating places of learning that support all students, families, and communities is the cornerstone of the Department. Based on Mr. Edelblut's previous legislative statements, his beliefs seem to not align nor embrace the long-standing commitment of the Department to developing a high-quality system of public education for all children." The Council's vote was 3-2. Councilor Chris Pappas and I opposed the nomination. Mr. Edelblut's nomination was warmly endorsed by Councilor Wheeler. Councilors Kenney and Prescott expressed their support in terms of crediting Mr. Edelblut not to interfere with the continued development of our system of public education and not to engage in partisan politics while serving as commissioner. For more on my concerns about Mr. Edelblut, please see my column here: <http://www.concordmonitor.com/Edelblut-extreme-views-will-do-harm-to-NH-students-8069342>

The Governor submitted numerous nominations for state boards and commissions as follows: Nominations to District Two are indicated by an asterisk.

### **Public Water Access Advisory Board**

B. David Bryan, Newmarket

Michele L. Tremblay, Boscawen\*

### **Advisory Council, NH Dept. of Employment Security**

Robert E. Martel, Dunbarton

Matthew Kfoury, Manchester

### **Board of Licensing for Alcohol and Other Drug Use Professionals**

Nicholas Pfeifer, Loudon

### **Speech-Language Pathology Governing Board**

Carissa J. Magri, Stratham

### **Fire Standards and Training Commissioner, Department of Safety**

William S. Campbell, Amherst

Chief Richard McGahey, Hooksett

### **Electricians Board**

William J. Infantine, Manchester

### **Judicial Retirement Plan Board of Trustees**

Deborah Butler, Concord\*

Heather Phillips, Thornton

### **Occupational Therapy Governing Board**

Olivia R. Freeman, Hudson

### **Recreational Therapy Governing Board**

Jacqueline Rzasas, Manchester

We reluctantly received the resignation of Associate Justice Carol Ann Conboy, effective July 1, 2017, upon her reaching our constitutionally required mandatory retirement age of 70.

### Volunteer for State Boards and Commissions

New Hampshire runs well because of the commitment of its volunteers who join our state commissions and boards. These boards and commissions have broad responsibilities as advisors and governing bodies. They include professional and technical supervisory boards organized under the Office of Professional Licensure and Certification as well as such diverse boards and commissions as the Agricultural Advisory Council and the State Conservation Commission. The Governor is developing a portal to facilitate the process of volunteering. While this electronic application process is under development, if you are interested in an appointment, please send your resume and statement of interest to me via email at: [Andru.Volinsky@nh.gov](mailto:Andru.Volinsky@nh.gov). A list of the state volunteer positions may be found in the New Hampshire Red Book.<sup>1</sup>

The Governor has recently re-constituted our state's Judicial Selection Commission. Chuck Douglas is the chair of the Commission and Jack Sanders is the vice chair. There may be one or two open slots and applicants are encouraged to contact the Governor's office.

### Spotlight

#### A. Snow Removal

The Department of Transportation was authorized to transfer \$6.2 million from the highway trust fund to pay for winter maintenance activities. About 75% of the DOT's snow removal budget has been expended even though we are only halfway through the snow season. Although the DOT budgets for winter maintenance of roads on a three year average, the budget for the current year was underfunded by about \$1 million. Similar under funding has occurred in other departments as well, making claims of state surpluses somewhat overstated.

#### B. Emergency Replacement of Concord Steam

The Council received an extensive and informative briefing by outgoing Deputy Commissioner Mike Connors on plans to replace the steam heat currently provided to state, city, and school facilities in Concord by Concord Steam. The Concord Steam plant also serves a number of downtown Concord businesses and will cease operations in late May of this year. Concord Steam gave about 10 months notice of its intent to close and the Department of Administrative Services immediately sprang into action designing temporary and permanent solutions.

Of note for the residents of Concord, the State declared the loss of Concord Steam as a heating source to be an emergency that allowed the state to tap certain funds for early design work. The State's Fire Marshal, Bill Degnan, by contrast, refused to find the steam plant's closure to be an emergency, thus denying the Concord School District access to Emergency School Building Aid. This is one of the reasons why I dissented from the Governor's re-appointment of Mr. Degnan last month.

#### C. \$15 an Hour

At my request, the Department of Administrative Services began reporting the lowest rates of compensation paid by state vendors to their employees on state projects. This practice has now been adopted by the Department of Employment Security and the Department of Resources and Economic Development. On this Council agenda, we had contract items with two contractors that provide construction and labor services.

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<sup>1</sup> The Red Book may be found on line at: <http://sos.nh.gov/GC2.aspx> Look to the upper left of the page.

- The Aulson Co. of Methuen, MA, which was approved to complete a project at the Franconia State Park, pays its lowest paid workers \$17/hour, but does not offer health insurance benefits.
- The B. Davis Construction Co., LLC of Jaffrey, which was retained to work on the North Country Resource Center in Lancaster, pays its lowest paid workers \$16.50/hour and provides health insurance.

#### Next Meeting

Our next Executive Council meeting will occur at the State House in the Council Chamber on March 8, 2017, beginning at 10 a.m. The agenda for the meeting will be posted by the Secretary of State on the Executive Council web page late on the preceding Friday afternoon. <http://sos.nh.gov/GC2.aspx>

Councilor Pappas is responsible for organizing the Executive Council's informal breakfast, which may be attended by the public. It will begin at 8 a.m. at the Department of Corrections in Concord.

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### **NH STATEWIDE**

#### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

##### ***Division for Children, Youth and Families***

[#10](#) Authorized to accept and expend private funds for Spark NH, Early Childhood Advisory Council. This request is **retroactive** as a portion of the funds (50%, or \$10,000 of \$20,000) will be used to pay for expenses incurred prior to the G&C's approval due to the lateness of the award date relative to the timing of the expenses. G&C approval is required as a stipulation of Executive Order 2011-03. The Department is required by the Order to submit requests on behalf of Spark NH, Early Childhood Council. This request is in the amount of \$20,000 comprised of two separate awards of \$10,000 each from the NH Charitable Foundation. Acceptance of the two awards is to be effective upon G&C approval. **100% Other (Private Grant) Funds. Unanimous Vote**

##### ***Bureau of Elderly & Adult Services***

[#11](#) Authorized to enter into a **retroactive** agreement with Northern NH Healthcare Collaborative d/b/a Northwoods Home Health & Hospice, for the provision of In Home Care Services, In Home Health Aide Level of Care Services, and In Home Nursing Level of Care Services, in an amount not to exceed \$542,538.50. Effective January 1, 2017 through September 30, 2018. **43% Federal, 57% General Funds. Unanimous Vote**

##### ***Division of Public Health Services***

[#12](#) Authorized to enter into a **sole source** agreement with the Association for Professionals in Infection Control and Epidemiology, Arlington, VA, to enhance statewide infectious disease readiness and build on infection prevention infrastructure across the continuum of care, in an amount not to exceed \$330,000. Effective upon G&C approval through December 31, 2017. **100% Federal Funds. Unanimous Vote**

##### ***Division of Public Health Services***

[#13](#) Authorized to amend an existing agreement with the Community Health Access Network Inc., Newmarket, NH (originally approved by G&C on 1-28-15, item #13), to continue to coordinate and implement diabetes, hypertension, asthma, and cancer health systems interventions to improve prevention, early detection, and management

of these chronic diseases, by increasing the price by \$47,000 from \$1,194,881 to an amount not to exceed \$1,241,881. Effective upon G&C approval through the original completion date of June 30, 2018. **100% Federal Funds. Unanimous Vote**

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

[#40](#) Authorized to accept and expend federal funds in the amount of \$99,247 from the US Environmental Protection Agency for implementation of the Wetland Program Development Grant: Building Climate Change Resiliency in NH by Prioritizing Wetland and Stream Mitigation Opportunities. Effective upon G&C approval through March 31, 2018. **100% Federal Funds. Vote: 4-1** (Wheeler)

[#44](#) Authorized to amend a **retroactive sole source** contract with ALS Group USA Corp., Houston, TX (originally approved by G&C on 5-4-16, item #68A), to continue to provide analysis of drinking water and groundwater samples for perfluorooctanoic acid (PFOA) and related perfluorinated compounds to assist DES in evaluating the presence of PFOA and related compounds in drinking water sources, by increasing the amount by \$190,000 from \$400,000 to \$590,000, and by extending the end date to March 31, 2017 from December 31, 2016. **16% Federal, 84% Other Funds. Unanimous Vote**

#### **DEPARTMENT OF JUSTICE**

[#55](#) Authorized to conduct a two-day advanced conference entitled “2017 Partnering for a Future Without Violence” to be held October 25-26, 2017 at LBO Holdings d/b/a Attitash Grand Summit Hotel in Bartlett NH at a cost not to exceed \$48,545.20. Effective upon G&C approval through December 31, 2017. **36% Agency Income, 64% Federal Funds.** (2) Further Authorized to accept and expend registration fees for the conference in the amount of \$17,500 to consist of \$50 from each of an estimated 350 attendees to help defray the cost of the conference. Effective upon G&C approval through December 31, 2017. (3) Further Authorized to enter into an agreement with LBO Holdings d/b/a Attitash Grand Summit in Bartlett, NH, for the purpose of providing necessary conference facilities and services for the two-day advanced training conference, in an amount not to exceed \$28,545.20. Effective upon G&C approval through November 26, 2017. **100% Federal Funds. Unanimous Vote**

#### **REGION 1: MONADNOCK**

##### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

###### ***Office of Human Services***

[#14](#) Authorized to exercise a renewal option to an existing agreement with Keene State College, Keene, NH (originally approved by G&C on 3-13-15, item #11), for the provision of nutrition consultation and to implement a statewide Healthy Eating and Sodium Reduction project, by increasing the price by \$99,300 from \$297,900 to \$397,200 and by extending the completion date from June 30, 2017 to June 30, 2018. **100% Federal Funds. Vote: 4-1** (Wheeler)

##### **OFFICE OF ENERGY PLANNING**

[#26](#) Authorized to amend the **sole source** contract agreement with Southwestern Community Services Inc., Keene, NH (originally approved by G&C on 8-3-16, item #27), for the repair or replacement of malfunctioning heating systems in low income households receiving weatherization services, by increasing the amount by \$75,197 from \$75,197 to \$150,394. Effective upon G&C approval through June 30, 2017. **100% Federal Funds (US DHHS/LIHEAP). Unanimous Vote**



## **DEPARTMENT OF ENVIRONMENTAL SERVICES**

[#43](#) Authorized a loan agreement with the City of Claremont, NH, in the amount not to exceed \$500,000 to finance water system improvements. Effective upon G&C approval. **100% Drinking Water State Revolving Loan Fund Repayment Funds.**  
**Vote: 4-0-1** (Prescott abstained)

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## **REGION 2: CENTRAL NH**

### **OFFICE OF ENERGY AND PLANNING**

[#23](#) Authorized to amend the **sole source** contract agreement with Community Action Program Belknap-Merrimack Counties Inc., Concord, NH (originally approved by G&C on 8-3-16, item #28), for the repair or replacement of malfunctioning heating systems in low income households receiving weatherization services, by increasing the amount by \$123,440 from \$90,523 to \$213,963. Effective upon G&C approval through June 30, 2017. **100% Federal Funds (US DHHS/LIHEAP). Unanimous Vote**

## **REGION 3: STRAFFORD**

### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

#### ***Bureau of Facilities and Assets Management***

[#8](#) Authorized to enter into a **retroactive sole source** amendment to the existing lease with the City of Rochester, NH (originally approved by G&C on 6-22-05, item #317A), for continued occupation by the Rochester District Office, by increasing the price in the amount of \$467,925 to \$3,590,987.50 from \$3,123,062.50, and by extending the term from December 31, 2016 to August 31, 2018, effective **retroactive** to January 1, 2017. **60% General, 40% Federal Funds. Unanimous Vote**

### **OFFICE OF ENERGY AND PLANNING**

[#27](#) Authorized to amend the **sole source** contract agreement with Community Action Partnership of Strafford County Inc., Dover, NH (originally approved by G&C on 8-3-16, item #24), for the repair or replacement of malfunctioning heating systems in low income households receiving weatherization services, by increasing the amount by \$71,059 from \$52,110 to \$123,169. Effective upon G&C approval through June 30, 2017. **100% Federal Funds (US DHHS/LIHEAP). Unanimous Vote**